

CHAPTER ONE

INTRODUCTION

This Environmental Impact Statement (EIS) supplements the 2006 West Mojave (WEMO) Plan. It considers four alternatives, including a no action alternative, to evaluate the environmental impacts associated with the Bureau of Land Management's (BLM's) West Mojave Route Network Project (WMRNP). The WMRNP includes a land-use plan amendment to the 1980 California Desert Conservation Area Plan, as amended (CDCA Plan, 1999 reprint), and activity-plan strategies to implement the land use plan amendment, in response to the 2006 WEMO Plan litigation and recent transportation and travel management guidance.

Three action alternatives include variations in (1) the land-use plan level decisions in the Motor Vehicle Access Element and Recreation Element of the CDCA Plan that establish the travel management framework for the West Mojave Planning Area, (2) non-land use plan route designations that provide a transportation and travel network and the strategies to implement the network and (3) the land-use plan decisions in the Livestock Grazing Element of the CDCA Plan that establish the locations and levels of livestock grazing in desert tortoise Desert Wildlife Management Areas (DWMAs) within the West Mojave Planning Area. The proposed action has been determined to be a major federal action that requires preparation of an EIS pursuant to the National Environmental Policy Act (NEPA).

The analysis in the Supplemental EIS (SEIS) revisits and updates the 2005 WEMO Final EIS analysis of environmental impacts associated with motor vehicle access including soils, air, cultural, riparian and water-associated Unusual Plant Assemblages (UPAs), and certain biological resources, and environmental impacts associated with the grazing program, including soils and riparian and other water-associated UPAs.

1.1 Overview of the Environmental Impact Statement

1.1.1 Site Location and Description

The West Mojave Planning Area is located to the northeast of the Los Angeles metropolitan area (See Figure 1.1-1). The conservation program established by the 2006 WEMO Plan amendment to the CDCA Plan applies to the BLM-administered public lands in the Planning Area. The WMRNP amendment to the Livestock Grazing, Motorized Vehicle Access, and Recreation Elements of the CDCA Plan, and the route designation process updates that would be incorporated into the CDCA Plan, if approved, would be applicable only to the BLM-administered public lands within the West Mojave Planning Area. The other changes analyzed in this SEIS would likewise apply only to the BLM administered public lands within the West Mojave Planning Area.

The West Mojave Planning Area currently totals 9.4 million acres, of which approximately 3.1 million acres are BLM administered public lands. The 2012-2013 inventories of routes for the West Mojave Planning Area identified approximately 15,000 miles of linear features that constitute the inventory of primitive routes in limited access areas, i.e., outside of Off Highway Vehicle (OHV) Open Areas, on public lands. The development of this inventory and its relationship to the 2006 WEMO Plan inventory are discussed further in Section 1.1.4 and in Chapter 3.

1.1.2 CDCA Plan and WEMO Plan Background

By statute the CDCA Plan area encompasses 25 million acres of land in southern California. The CDCA Plan of 1980 addressed public-land resources and resource uses on 12 million acres of public land within the 25 million acres of land in southern California. The CDCA Plan includes 12 plan elements, including a Motorized-Vehicle Access (MVA) Element that establishes the travel management framework for the CDCA, and also includes some activity-level decisions for popular locations, and a Livestock Grazing Element that established geographic boundaries of livestock allotments, the types of forage use, and the upper limits on the stocking levels in each of the allotments. The other elements in the CDCA Plan include a Recreation Element, a Wild Horse and Burro Element, Cultural Resources and Native American Elements, Wildlife and Vegetation Elements, a Wilderness Element, a Land Tenure Adjustment Element, an Energy Production and Corridors Element, and a Geology, Energy and Mineral Resources Element. Since 1980, numerous amendments have been adopted which have changed the CDCA Plan. The most recent update and reprinting of the CDCA Plan was published in 1999, and all references in this document to the CDCA Plan are referencing the 1999 reprint version, which includes amendments approved as of 2003.

The 2006 WEMO Plan is a federal land use plan amendment to the CDCA Plan that presents (1) a comprehensive strategy to conserve and protect the desert tortoise, the Mohave ground squirrel (MGS) and over 100 other sensitive plants and animals and the natural communities of which they are a part, and (2) a streamlined program for complying with the requirements of the federal and California Endangered Species Acts (FESA and CESA, respectively) (WEMO, 2006 p. ES-1). The 2006 WEMO Plan includes modification of the vehicle management program and livestock grazing program to promote the adopted conservation strategy. The 2006 WEMO Plan designated an OHV route network in applicable areas of the public land within the West Mojave Planning Area of the CDCA. Routes that are part of the route network and are regularly available for vehicular use are designated as Open routes as per the CDCA Plan, MVA Element (CDCA 1999, p.77).

The MVA Element of the CDCA Plan addresses travel management on public lands in southern California with a focus on recreational vehicular use of public lands in southern California and identifies the travel management framework for various public lands. The MVA Element also outlines the route designation process, specifically restricts motorized vehicle routes to those that existed in 1980 (CDCA Plan, 1999, p. 77), and includes goals that, either in practice or through amendment, have been updated since 1980 to implement current policy. The CDCA Plan considers non-motorized travel in the context of the motorized access necessary in order to reach non-motorized areas and activities within the planning area. The Recreation Element of the CDCA Plan also addresses an aspect of access outside of OHV Open Areas—the routes that can be used for, and adoption of specific courses for, competitive vehicle events.

The MVA Element of the CDCA Plan has been amended several times since the 1980 CDCA Plan was published, and many of those amendments have included some or all of the West Mojave Planning Area. The major amendments to the CDCA Plan regarding motorized vehicle access prior to the initiation of the 2006 WEMO Plan route network are summarized in the 1999 reprint of the CDCA Plan. Specific Route designations have been previously published in the Federal Register for various areas within the West Mojave Planning Area between 1985 and 1987, and again in the 2003 West Mojave Desert Off-Road-Vehicle Designation Project and Environmental Assessment. The 2003 West Mojave Desert Off-Road-Vehicle Designation

Project and Environmental Assessment analyzed alternative networks for the Planning Area and selected and approved an interim West Mojave route network pending the completion of the 2006 WEMO Plan. For a complete description of the chronology of route designation in the West Mojave Planning Area, see Section 3.1 and Appendix E of the SEIS.

The 2006 WEMO Plan modifications of the livestock grazing program include, among others:

- Elimination of the majority of ephemeral sheep grazing within sheep grazing allotments located in DWMAs;
- Elimination of ephemeral grazing within cattle and horse grazing allotments when forage is inadequate;
- Elimination of ephemeral grazing and temporary non-renewable grazing authorization within cattle grazing allotments located in DWMAs;
- Measures to remove grazing through temporary closures in cattle grazing allotments in DWMAs when forage is inadequate;
- Measures to allow voluntarily relinquishment of allotments located in DWMAs and other special status species habitat.

In 2006, the BLM approved a comprehensive amendment covering the WEMO area of the CDCA. The 2006 WEMO Plan Amendment approved a total of 12 separate decisions; most were focused on establishment or adjustment of ACECs and changes to multiple use classes.

The specific decisions related to Motorized Vehicle Use and route designations made in the 2006 WEMO ROD, are as follows:

- Decision 5: Recommendations made in the 1994 Rand Mountains-Fremont Valley ACEC Management Plan were adopted, including adoption of the proposed motorized vehicle access network to be managed with an educational permit system.
- Decision 6: The motorized vehicle access network in the Afton Canyon Natural Area ACEC was adopted.
- Decision 8: Regional Public Land Health Standards and Guidelines were adopted, subject to Secretarial approval, which is pending.
- Decision 9: The motorized vehicle access network in the remainder of the planning area was adopted, and included minor modifications of the 2003 route network, a redesign of the Juniper subregion, and route closures in the Lane mountain milkvetch ACEC, Barstow woolly sunflower ACEC, the Mojave monkeyflower ACEC, and the Red Mountain subregion. The approved network also included the opening of a 9-mile undesignated route east of Haiwee Reservoir, and establishment of competitive "C" routes northeast of the Spangler Hills Open Area.
- Decision 10: The Stopping, Parking, and Camping Section of the CDCA Plan Motorized Vehicle Access Element was modified to incorporate restrictions within DWMAs, including limiting camping to previously existing disturbed camping areas adjacent to open routes and limiting stopping, parking, and camping to within 50 feet of the centerline of open routes.

- Decision 11: The portion of the Barstow to Vegas Race Course within the WEMO Planning area was eliminated.
- Decision 12: The Stoddard Valley to Johnson Valley Competitive Event (racing) Corridor was eliminated and replaced with a Connector Route to provide a motorized access link between the two OHV Open Areas.

The Record of Decision (ROD) for the 2006 WEMO Plan approved the designation of approximately 5,098 miles of motorized vehicle routes. Following a successful judicial challenge in a lawsuit filed in 2006, the 2006 WEMO route network and associated travel management decisions were remanded to BLM for reconsideration.

1.1.3 Court Actions

Shortly after the completion of the 2006 WEMO Plan, a lawsuit was filed challenging the route designation process and other procedural aspects of the 2006 WEMO Plan (*Center for Biological Diversity, et al. v. BLM, et al.*, 3:06-CV-04884 SI (N.D.Cal.)). The United States District Court for the Northern District of California (the Court) issued a Summary Judgment Order on September 28, 2009 finding that BLM's travel management plan was legally inadequate, and a Remedy Order on January 28, 2011 setting forth the means by which BLM was to resolve the legal infirmities identified by the court.

The Remedy Order partially vacated the 2006 WEMO ROD, citing the potential for unpredictable or irreversible environmental consequences if the full ROD were subject to complete vacatur. The court determined that (1) the "decision tree" used to evaluate and designate routes was flawed because it did not comply with regulations requiring BLM to protect resources, promote public safety, and minimize conflict, and consider various "designation criteria" (Summary Judgment Order, September 28, 2009, p.4 lines 18-19), found in 43 CFR 8342.1, when designating routes, (2) the plan authorized numerous OHV routes that were not in existence in 1980, which was inconsistent with the governing land use plan which limits OHV routes to those existing in 1980, (3) the EIS did not contain a reasonable range of alternatives to the proposed action because all alternatives considered the same 5,098 mile OHV route network and because its discussion of the No Action alternative was incomplete, and (4) the EIS was flawed because its analysis of impacts on soils, cultural resources, certain biological resources, and air quality was incomplete (Remedy Order, January 28, 2011, p.2). These issues are discussed in more detail in Sections 1.4 and 1.9 of this document.

The Court directed BLM to reconsider the route designation process and network under the Federal Land Policy and Management Act of 1976 (FLPMA) and issue a revised decision that complies with FLPMA and BLM's regulations that establish "designation criteria" for OHV routes, in 43 CFR 8342.1. BLM was also directed to prepare a supplemental NEPA document that reconsiders the "No Action" alternative and considers a broader range of alternatives, including at least one alternative that analyzes a less extensive network for the West Mojave Planning Area (Remedy Order, January 28, 2011, p.4, lines 2 thru 4). Further, the Court directed the BLM to conduct additional analysis of those environmental impacts from the route network and grazing program for which the court found a failure to comply in its September 28, 2009 Summary Judgment Order (Remedy Order, January 28, 2011, p.3-4).

Accordingly, BLM has determined that development of the current SEIS, tiered from the 2005 WEMO Final EIS, is appropriate. This SEIS has been developed to inform BLM's evaluation of a plan amendment proposal and alternatives for its grazing program and transportation and travel management program, and associated non-land use plan transportation and travel management implementation strategy and route network alternatives, within the West Mojave Planning Area, to address deficiencies identified by the Court, and to serve as BLM's NEPA compliance document.

1.1.4 Route Inventory for the WMRNP

The court also requested BLM to further clarify its baseline and No Action alternative, and to be consistent throughout the document. In 2012, the BLM began two efforts that would provide a comprehensive baseline of routes for the West Mojave Planning Area. An intensive open-route signing project and subsequent monitoring project was conducted in the field using GPS handheld equipment that could directionally track routes as they were being driven and assure map accuracy. At the same time, high quality aerial photography from 2009 was being reviewed by GIS personnel at 1:2000 resolution and was used to provide a digital record (created in 2013) of all the open routes and any unauthorized routes. The result of these two concurrent inventories is a baseline of all primitive routes (ground transportation linear features—see glossary) in the planning area of approximately 15,000 miles.

This is approximately 7,000 miles more than the WEMO Plan inventory which was based on the data collected in 2001 (and analyzed in 2005) for the 2006 WEMO Plan, and is discussed further in Chapter 2 and Appendix E. Based on a sample review of the aerial 2005 data and the current aerial (2013) data, the additional miles of primitive routes in the inventory has not changed since 2005. BLM's sample review of the recent and earlier route inventories indicates that these additional routes are not the result of an expansion of the baseline since the 2006 WEMO Plan ROD. BLM has identified several reasons why the current inventory is more extensive than the inventory reflected in the 2006 WEMO Plan.

It was clear early on during the 2013 inventory efforts that the data BLM was collecting (both in the field and using the aerial photography) did not match up to data from the 2006 WEMO Plan. This was the case where the extensive 2001 inventories had taken place in the redesign areas known as Motorized Access Zones (MAZs), and more so in the approximately 50 percent of the planning area not inventoried in 2001, which instead relied on previous inventory data (2005 WEMO Final EIS, p. 2-143-145).

Routes from the 2006 WEMO Plan were inaccurate due to mapping errors based on source data, magnetic alignment or tracing errors. Other routes were "in the wrong place", possibly the result of the equipment used in 2001, resulting in signs not matching up with the maps that indicated where the approved plan said a route should be.

The 2013 baseline inventory is incorporating many access roads to private lands and rights-of-way for which data is now available. These routes may not be intended for public use in many cases. They can include spur routes off of main routes that were often not included in the 2001 inventory particularly spur routes to private lands and to telephone poles or other right-of-way facilities that that may or may not have been issued an official authorization for such use. Use that is specifically authorized for use can be the source of route proliferation if not appropriately designated and managed. Much more minerals and lands data has now been documented in

electronic rather than just hardcopy case files, and although still somewhat tedious to utilize, provides good information on the permitted routes.

Some routes not identified in the 2006 WEMO Planning inventory showed signs of partial reclamation, with only very light, intermittent use or as a result of implementation of the 2006 WEMO Plan. These routes have been included in the baseline inventory to clarify their designation, and will remain there until evidence of their use is substantially eliminated.

Previously undocumented routes that were identified in the 2013 inventories include routes in areas with source data that was older than 2001. Many areas had not been revisited comprehensively since the 30-year old inventories that had been conducted for the 1985-1987 planning effort. Some areas had “gaps”, e.g., places where route inventories were never collected and documented, or which relied exclusively on the 1:24,000 or 1:50,000 USGS topographic maps (flown circa 1950 – 1980).

Large land acquisition and disposal efforts occurred after the 1985-87 inventory, resulting in over 165,000 additional public land acres outside of wilderness or OHV open areas. At the time of acquisition, route inventories were not taken.

The current inventory includes the entire 15,000 miles of primitive routes, because it reflects the baseline condition and use patterns on the ground. Most of the primitive routes in the current inventory are not in the current designated motorized network as approved in the 2006 WEMO Plan and, as a result, if currently still in use they are primarily an indication of unauthorized use. This is the case even if routes were publicly available for use as “existing routes” prior to the 2006 WEMO Plan ROD.

A relatively small number are permitted routes that were not included in the original 2006 WEMO inventory and analysis, and are currently being utilized by permittees. These have been added to the network as authorized/administrative routes, consistent with the 2006 WEMO Plan implementation direction. Previously designated non-motorized or non-mechanized routes were not addressed in the 2006 travel network, but comprise a minimal number of miles, as identified in the Chapter 4 impacts analysis. The entire 15,000 miles forms the baseline of routes from which alternatives were designed. The preliminary No Action route network, (5,098 miles), was adjusted for court decisions and major valid existing rights (authorized/administrative routes) to 5,338 miles, which forms the basis for the comparison of impacts between alternatives.

1.2 Purpose and Need

The purpose and need of the West Mojave Route Network Project (WMRNP) is to provide a framework for transportation management, and specific travel management implementation strategies in Limited Access Areas of the West Mojave Planning Area. This framework and these strategies would (1) limit conflicts and threats to sensitive resources, (2) respond to current and anticipated future transportation and travel needs, (3) provide appropriate recreational access, and (4) be consistent with the overall motor vehicle access goal of the 2006 WEMO Plan. The MVA goal of the 2006 WEMO Plan is to provide appropriate motorized vehicle access to public lands for commercial, recreational, and other purposes in a manner that is compatible with species conservation. In addition, two additional livestock grazing alternatives in addition to those analyzed in the 2006 WEMO Plan are under consideration, one that would make all allotments in DWMA and other critical habitat permanently unavailable for livestock grazing, and the other that would make allotments in DWMA and other critical habitat permanently unavailable for livestock grazing.

as they become vacant. The Supplemental Environmental Impact Statement (SEIS) will also analyze access and grazing impacts on specific resources in response to the Court's statements of inadequacy, as summarized in the Court Remedy Order (January 28, 2011, p.3-4) and further discussed in Section 1.1.3.

Since the development of the 2006 WEMO route network, new BLM policies, including BLM Manual 1626 - Travel and Transportation Management and BLM Handbook H-8342, the BLM National Travel and Transportation Handbook, and other new transportation management and related circumstances, including wilderness and OHV boundary modification legislation, new information on routes, route impacts, and route uses, the need to clarify untenable and inconsistent parameters on route designation and transportation management within WEMO, and the litigation on the 2006 WEMO Plan Amendment, have occurred.

By regulation, a land use plan may be amended to consider new findings, data, new or revised policy, changes in circumstances or to address a proposed action that may result in a change in the scope of resource use or a change in the terms, conditions, and decisions of the approved plan (43 CFR 1610.5-5). The WMRNP needs to provide managers with a consistent way of implementing the CDCA Plan transportation management strategy that is adopted for the WEMO area, to achieve national and WEMO goals moving forward.

Plan Amendment Decisions

The 2012 Travel Management guidance (H-8342) makes clear distinctions between the land-use planning decisions to adopt a travel management framework, and decisions to implement the travel management planning framework, including the designation of specific routes. The CDCA Plan had already made some of these transportation and travel management decisions in designating all public lands within the CDCA into categories which define whether and how motorized access is allowed. All areas within the CDCA are designated as open, closed, or limited for motorized access, including all lands within the West Mojave Planning Area. The CDCA Plan amendment being considered for the West Mojave Planning Area in this SEIS only applies to those areas that are categorized as limited motorized access. Each CDCA plan amendment decision follows:

- 1) Replace or modify the following CDCA Plan language in the MVA Element: "at the minimum, use will be restricted to existing routes of travel."

This language was not specifically updated in the 2006 West Mojave Plan. In the Summary Judgment Order, the Court stated that BLM has the authority to amend the Plan to lift this restriction, as long as those amendments satisfy NEPA, FLPMA, and all other applicable statutes and regulations. BLM has determined that a restriction of motorized routes to those that existed in 1980 does not comply with requirements of the following policy and regulations applicable to transportation planning:

- BLM regulations in 43 CFR 8342.1, which requires designation of public lands as open, limited, or closed based on protection of resources of the public lands, safety of all users, and minimization of conflicts among the various uses of the public lands, and in accordance with the designation criteria provided in the regulation;

- BLM Handbook 1610-1, Appendix C, Comprehensive Trails and Travel Management, which requires delineation of travel management areas and designation of Off-Highway Vehicle Management Areas as open, limited, or closed; and
- BLM Handbook 8342, Travel and Transportation Management Handbook, which describes how BLM is to comprehensively manage travel and transportation on public land.

In order to modify the CDCA Plan to comply with the regulations and policies cited above in the West Mojave Planning Area, BLM has identified a need to replace the existing CDCA Plan language.

- 2) Develop a strategy and adopt a route designation process within the West Mojave Planning Area that addresses the regulatory requirements and court identified FLPMA and NEPA inadequacies.

The route designation process to be adopted would consider and document its consideration of the route designation criteria in 43 CFR 8342.1 and other applicable laws, regulations, and policies. The route designation process would include strategies to minimize impacts consistent with regulations that are applied at the outset of the process. By BLM policy, the process for designating travel routes is currently found in Bureau guidance issued in 2005 and subsequent releases, including the 2012 handbook, as identified above. These guidance documents were released too late to be incorporated into the 2006 West Mojave Plan but have been considered in this planning effort. A broader range of alternatives would be considered, including at least one alternative that analyzes a less extensive route network for the West Mojave Planning Area than the No Action alternative. The route designations would exclude areas newly closed as a result of wilderness legislation, would provide mechanisms for future route designations as lands are acquired by BLM, and would provide mechanisms to redesignate routes as available for use or as closed, as deemed necessary and as consistent with regulations, plans, and NEPA requirements.

- 3) Clarify the Motorized Vehicle Access (MVA) Element of the CDCA Plan as it relates to the West Mojave Planning Area to clearly reflect current policy on resource management planning and implementation decisions, and to reconsider broad planning-level access decisions.

Consistent with the 2005 and 2012 travel management guidance referenced above, the proposed plan amendment would provide the framework for a comprehensive transportation and travel network on public lands in the West Mojave Planning Area, including consideration of both public and other (e.g., commercial) access needs and opportunities on public lands as part of the comprehensive transportation and travel network, recognizing the changing nature of access needs, and the relevance of non-motorized and non-mechanized as well as motorized travel on public lands.

As one element of the proposed changes, planning-level access parameters of the MVA element that may further minimize impacts from the network are under consideration, including lakebed designations and measures for stopping, parking, and camping areas adjacent to designated routes. Recreation Element access parameters that may further minimize impacts from the network are also under reconsideration, including the designation of competitive event corridors and guidelines for permitting competitive events. Boundary modifications to open, closed and limited areas are being recognized considered only insofar as legislative changes have occurred

since the release of the 2006 West Mojave Plan. No other boundary changes to open, closed, or limited access areas are proposed in this Supplemental EIS.

- 4) Identify geographical units within the West Mojave Planning Area as Travel Management Areas (TMAs) within which BLM will issue activity-level decisions to implement adopted travel management strategies.

The new Travel Management guidance recommends adoption of smaller geographical units--Travel Management Areas (TMAs) based on commonalities, such as geography, patterns of use, common transportation issues, ease of management, and resource values. TMA objectives may also be adopted in the land use plan to facilitate the implementation of proposed travel management strategies. This WEMO Travel Management Route Network plan amendment adopts initial travel management objectives for each TMA.

- 5) Reconsider plan-level grazing decisions for allotments within DWMAs.

The BLM grazing program was analyzed in the 2006 WEMO Plan, and the decisions from the planning effort led to grazing that was substantially curtailed in desert tortoise DWMAs, with additional measures included for the allotments that are still available or potentially available for grazing. In addition, a mechanism for voluntary relinquishment of active leases was adopted in the WEMO Plan. In addition to these measures, the strategy of eliminating livestock grazing from desert tortoise recovery areas was recommended in the 1994 Recovery Plan. Although no longer specifically recommended in the 2011 Revised Recovery Plan, elimination of livestock grazing is consistent with the recovery plan recommendation of “continuing to minimize impacts to tortoises from livestock grazing within tortoise recovery areas” (*Revised Recovery Plan for the Mojave Population of the Desert Tortoise*, May 6, 2011, Section 2.16, p. 78). Therefore, BLM is considering whether to further modify the BLM grazing program in the WEMO Planning area by reducing or completely eliminating grazing in DWMAs.

BLM implementation of the proposed amendment of the CDCA Plan would require approval by the BLM’s California State Director through a Record of Decision (ROD). This approval process would include the amendment of the CDCA Plan to adopt the provisions of the 2006 West Mojave Plan that were left in place, except as modified herein. Upon approval of the ROD, BLM will adopt any necessary CDCA Plan amendment. The decisions that would be necessary to implement each alternative are listed in Chapter 2.

Relationship to Implementation Decisions

Plan-level decisions include the adoption of an overall travel management strategy and the designation of TMAs that identify the geographic extent of each implementation area. The particular implementation strategies for minimizing impacts from the network, managing, monitoring, mitigating, and eliminating routes in a route network are not plan-level decisions. Some activity-level implementation decisions are also area-wide, including general approaches and priorities for monitoring, mitigation, and law enforcement, which may quickly change as on-the-ground circumstances change. Other activity-level implementation decisions are location or route-specific, including route designations, route-specific minimization strategies, and specific area outreach strategies. Activity-level implementation decisions may be made concurrent with or subsequent to plan-level travel management strategies.

Concurrent activity-level travel management implementation plans are being developed for the West Mojave Planning Area. The activity-level travel management plans will be finalized after consideration of public input on the Draft SEIS travel management framework, on the route network alternatives and other draft implementation strategies, environmental effects, and proposed strategies to mitigate impacts. Based on the input by the public and others on the Draft SEIS and alternatives, a proposed activity-level management plan will be developed for each proposed TMAs from the draft SEIS alternatives. The proposed implementation plans will be circulated with the Final SEIS.

Future changes to the implementation plans, refinement of TMA boundaries, and additional implementation plan objectives may be considered based on changing needs and issues, subsequent activity-plan monitoring, and implementation focus within the TMA, consistent with the parameters adopted in the WMRNP plan amendment and in each specific implementation plan.

1.3 NEPA Process

1.3.1 Notice of Intent

The planning process was initiated by a Notice of Intent (NOI) to prepare a Supplemental Environmental Impact Statement and Proposed Plan Amendment to the 2006 WEMO Plan that was published in the Federal Register on September 13, 2011, and clarified on May 2, 2013 to indicate the planning-level vs non-planning level decisions, and to clarify that the plan amendment would be an EIS-level amendment.

The clarified NOI served as notification of the intent to prepare an EIS as required in 40 CFR 1501.7, as well as of potential amendment to the CDCA Plan, and requested comments on relevant issues, National Historic Preservation Act (NHPA) (16 U.S.C. 470(f)) concerns, and initial planning criteria for the plan amendment. The NOI indicated that the Proposed Plan Amendment and SEIS would consider the following:

- Amend the Motorized-Vehicle Access (MVA) Element of the CDCA Plan to modify the language regarding the process for designating routes in the West Mojave Planning Area;
- Reconsider other MVA Element land-use-planning level guidance and minimization strategies for the West Mojave Planning Area;
- Revisit the route designation process for the West Mojave Planning Area;
- Clarify the West Mojave Planning Area baseline for route designation and analysis;
- Establish a route network in the Planning Area consistent with current guidance and new information;
- Adopt travel management areas (TMAs) to facilitate implementation of the West Mojave route network;
- Provide or modify network-wide and TMA-specific activity-plan level minimization, mitigation, and other implementation strategies for the West Mojave Planning Area; and
- Respond to specific issues related to the US District Court WEMO Summary Judgment and Remedy Orders.

1.3.2 EIS Scoping

Following publication of the original NOI, BLM held two overview public scoping meetings on September 27 and 29, 2011, in Ridgecrest and Barstow, California. These were followed by eight public travel designation workshops held in January and February, 2012. The travel designation workshops were each focused on a single Travel Management Area, a BLM-defined sub-area of the 2006 WEMO Plan area. Appendix A presents a summary of the scoping comments. The issues to be addressed and the areas of controversy surrounding the proposed plan amendment were similar to those identified for the 2006 WEMO Plan Amendment. In the Scoping Report for the 2011 and 2012 meetings, BLM categorized the public comments as follows:

- NEPA process, and requests for maximizing public involvement in the process;
- Effects of the proposed action on livestock grazing;
- Type of route designation process to be used;
- Criterion A of 43 CFR 8342.1 (minimizing damage to air, soil, watershed, vegetation, or other resources of the public lands, and to prevent impairment of wilderness sustainability);
- Criterion B of 43 CFR 8342.1 (minimizing harassment of wildlife or significant disruption of wildlife habitats);
- Criterion C of 43 CFR 8342.1 (minimizing conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands);
- Criterion D of 43 CFR 8342.1 (prohibiting trails in officially designated wilderness areas or primitive areas);
- Definition of the purpose and need for the route network;
- The range of alternatives to be considered;
- The source of data for the route inventory being evaluated;
- Specific resource impacts, including air quality; biological resources; climate change; and cumulative impacts associated with alternative energy projects, expansion of military bases, and other planning efforts;
- Mitigation and minimization measures to be considered;
- Implementation and administrative actions including route signage, trail monitoring, enforcement, public education, trail enhancements, and other administrative actions;
- Area and route-specific comments organized by the Travel Management Areas initially identified.

Three additional public workshops were held in January 2014, in Barstow, Bishop, and Ridgecrest, which targeted tribal communities. The great majority of the scoping issues and comments were related to specific route designations in the Planning Area. One exception was the comment by many users to address the routes in the Ridgecrest and El Paso Subregions through a separate route designation process. Many commenters also provided input on the network baseline (inventory), the needs that the network serves, and the route designation

process. Primary NEPA considerations focused on cumulative effects to resource values, particularly soils and sensitive species, cumulative effects of grazing, and to potential cumulative loss of recreational access opportunities. Primary user considerations focused on maintaining diverse recreational opportunities, providing access for specific users, including rock-hounders, motorcyclists, scientific and educational activities, and non-motorized users, dealing with conflicts between users, and maintaining commercial access needs. A more complete list of issues can be found in Appendix A of this DSEIS, the Scoping Report.

1.3.3 Desert Advisory Council Subgroup

The Desert Advisory Council (DAC) is a citizen-based Resource Advisory Council that provides recommendations on the management of public lands in the BLM's California Desert District. The DAC operates under a Charter established under Section 309 and Section 601 (g)(1) of the FLPMA, as amended (43 U.S. Code 1739); and all other provisions of the law. In December 2011, in response to the WEMO Project, the DAC established the WEMO Route Network Project Subgroup (WRNPS), which provides input regarding route-specific and network issues pertinent to the WEMO planning area for BLM to consider. The WRNPS is composed of members representing industry, recreation, conservation and the public at large and holds regularly scheduled meetings that are open to the public. The mission of the WRNPS is to prepare a report identifying and providing supporting documentation for a range of alternatives for the eight TMAs in the planning area.

1.4 Planning Issues

The planning issues addressed in this SEIS have been developed from a variety of sources, including the original 2006 WEMO Plan, the issues identified by the Court in remanding the 2006 Plan to BLM for re-evaluation, transportation and travel management guidance issues, issues identified by other agencies and the public during EIS scoping, and other issues identified by BLM staff since 2006.

In the Summary Judgment and Remedy Orders issued by the Court, specific issues were identified by the Court, and which required consideration by BLM in amending the CDCA Plan and conducting its analysis of impacts. In the Summary Judgment Order, the Court determined that:

- (1) the “decision tree” that the Bureau of Land Management (“BLM”) used to designate Off Highway Vehicle (“OHV”) routes was flawed because it did not comply with regulations mandating that the BLM consider various “designation criteria” when designating OHV routes;
- (2) because the Plan authorizes numerous OHV routes that were not in existence in 1980, the Plan is inconsistent with the governing land use plan which limits OHV routes to those existing in 1980;
- (3) the Environmental Impact Statement was flawed because it did not contain a reasonable range of alternatives to the proposed action because all alternatives considered the same 5,098 mile OHV network, and because its discussion of the “no action” alternative was incomplete; and

- (4) the EIS was flawed in that its analysis of route designation and/or grazing impacts on cultural resources, certain biological resources, and air quality, is incomplete. However, the court upheld the grazing program because it was more protective than the CDCA Plan itself.

The Court found that a remand of the 2006 WEMO ROD to the BLM was warranted. During the Remedy Phase of the litigation, the Court ordered the BLM to:

- (1) prepare a revised OHV route network that complies with the “designation criteria,”
- (2) either return to the 1980 OHV network or amend the CDCA Plan to lift the restriction on post-1980 routes, and
- (3) conduct supplemental NEPA analysis.
- (4) Revisit the grazing decisions within six months of the new ROD.

The court issues provide an overall planning framework for other planning issues in the West Mojave Route Network Project, including:

- Consistency with other agency planning goals and transportation networks,
- TMA adoption to facilitate implementation of adopted strategies,
- Consistency with the 2006 WEMO goal to provide appropriate motorized vehicle access to public lands for commercial, recreational and other purposes in a manner that is compatible with species conservation.
- Compatibility with agency goals for and interagency consultations in consideration of sensitive resource values,
- Consideration of CDCA Plan and transportation and travel management issues and needs, including those identified in scoping and those not addressed in the 2006 WEMO Plan,
- Consideration of changes to CDCA Plan Limited Area site-specific designations to respond to planning issues,
- Consideration of changes to CDCA Plan Limited Area regional parameters, such as for Stopping, Parking and Camping in the WEMO Planning Area to respond to planning issues or to facilitate broader minimization strategies,
- Consideration of implementation strategies that allow new issues as well as new transportation and travel management needs to be addressed as needed, and
- Clearly documented analysis and decision-making.

1.5 Planning Criteria

Planning criteria are the rules and other factors used to inform decisions about data collection, analysis, and decision-making during planning. Planning criteria includes all applicable federal laws, regulations, executive orders, policies, and applicable portions of land use plans which agencies are required to follow. Policies include those in the Land Use Planning Handbook, H-1601-1 and Manual Section 1626, Travel and Transportation Management, and Handbook 8342, Transportation and Travel Management. The West Mojave planning area is entirely within the

California Desert Conservation Area; some of the planning criteria are specific to the WMRNP planning effort. These planning criteria are listed below.

- Cooperate with local, State and federal agencies with jurisdictions on public lands and adjacent routes on the development of data, analyses and decisions for transportation management to promote network compatibility and cohesiveness.
- Cooperate with local, State and federal land management and regulating agencies, the California Desert Advisory Council, major land owners, conservation and interest groups in and adjacent to the public lands to develop and refine data, issues, and analyses in support of viable and acceptable travel management decisions consistent with other West Mojave goals and objectives.
- Provide for ongoing consultation with American Indian Tribes and develop strategies for protecting recognized traditional uses, e.g., gathering of traditionally used plant materials.
- Include public participation and collaboration throughout and as an integral part of the planning process.
- Inventory all routes of travel in the planning area, including washes that are being used as routes of travel as thoroughly and accurately as possible, and document the inventory to facilitate future update and modification.
- Identify a network that meets user needs, conservation goals, statutory and regulatory requirements, and BLM policy.
- Utilize and document the use of 43 CFR 8342.1 to 1) provide for the protection of public land resources, 2) promote the safety of all users, 3) minimize conflict among various uses, and 4) apply the regulatory criteria in designation of all public lands in the West Mojave planning area as open, limited, or closed to OHVs.
- Incorporate, where applicable and appropriate, management decisions brought forward from existing planning documents.
- Incorporate new information in the designation of routes, including resources data and wilderness designations, and the evaluation of impacts from grazing and the route network.
- Provide rationale for both opening and closing routes and a mechanism to change route designations should the rationale no longer be applicable, based on monitoring of use.
- Provide mechanisms to implement the route network that can be adjusted based on changes in the on-the-ground conditions.
- Identify the need and opportunity to cooperate with and apply strategies across jurisdictional boundaries through memoranda of understanding, interagency agreements and other mechanisms for better network cohesion and compliance, and to increase network utility across jurisdictions.
- To the extent consistent with public land laws, coordinate the WMRNP and management activities with the land use planning and management programs of adjacent local and State governments, Federal Departments and agencies, and local American Indian Tribes, by considering the policies of their resource management programs.

- Make the Plan consistent with State and local plans where practicable and as long as they are consistent with Federal law and the purposes of FLPMA.
- Ensure that Geographic Information System (GIS) and metadata information will meet Federal Geographic Data Committee standards, as required by Executive Order 12906. Follow all other applicable BLM data standards.

1.6 Relationship to Other Statutes, Regulations, and Policies

1.6.1 Federal

1.6.1.1 Other BLM Programs

The WEMO Planning area is currently included within the geographic scope of another ongoing BLM planning effort known as the Desert Renewable Energy Conservation Plan (DRECP) which was developed to address current and future renewable energy land use allocations and associated conservation strategies. The DRECP is addressing the suitability of lands within the CDCA for renewable energy development, associated resource protection impacts, and mitigation strategies. As a result, DRECP is anticipated to affect resource uses other than renewable energy development, including travel management access needs and opportunities, and grazing. The West Mojave SEIS will incorporate affected environment data from the draft DRECP as appropriate, and will consider the effects of the actions proposed to be taken under DRECP on travel management in the WEMO Planning Area to the extent they are reasonably foreseeable, given the parallel timing of the DRECP Plan. As both plans are developed, BLM is reviewing WEMO decisions and DRECP decisions for consistency, or to point out and explain any inconsistencies. The WMRNP will be reviewed again prior to release of the Final SEIS and Proposed Plan for potential correlations to and conflicts with DRECP.

The programs and management of the two other CDCA Plan Motor Vehicle Access designations are relevant to BLM's travel management program—Closed and Open areas. Closed areas include those areas closed under the CDCA Plan, 1999 reprint (p. 76) as well as legislatively designated wilderness, and cover 17 percent of the planning area. In Closed areas, no vehicle travel is allowed and access is limited to non-mechanized travel. Wilderness management and other closed area activities include signage, kiosks, fencing and step-over gates to manage the boundary ingress/egress points, and thereby prevent mechanized travel into the designated wilderness. Therefore, these access points are important considerations when designating the limited access route network.

There are eight Open areas designated as OHV Areas that have been designated in the CDCA Plan that are located within the WEMO Planning area, covering 7.8 percent of the planning area. In Open areas, vehicle travel is not restricted to routes, except as specifically closed or otherwise marked, such as within fenced ACEC or abandoned mine features. OHV Areas may have one or two main improved or well-maintained routes that provide primary access to the area. The OHV Areas also have staging areas that were designated in the OHV Open Area Plan or have been established by a long history of use. These staging areas are intensive-use areas, and may include surrounding OHV Area lands, particularly in adjacent hillsides. As vehicles move farther away from staging areas most users stay on well-established paths. These well-established paths lead to key ingress/egress points to the OHV areas from surrounding Limited Access lands, and link to the designated route network or a boundary road. Signage, kiosks, and

selective fencing are utilized to manage the boundary ingress/egress points, and thereby prevent off-route travel outside of the OHV areas. The locations of these pathways are important considerations when designating the limited access route network adjacent to OHV Open Areas.

The current grazing program in the West Mojave Planning Area is managed consistent with allotment-specific Environmental Assessments (EAs) prepared between 2007 and 2013 for the renewal of active grazing permits and leases. These EAs contain resource- and geographic-specific analysis by allotment for the current grazing program in the planning area.

1.6.1.2 U.S. Fish and Wildlife Service

BLM's decisions as part of this planning effort will be consistent with the Biological Opinion (BO) previously developed for the 2006 WEMO Plan, except as specifically identified in a revised BO. The revised BO will incorporate effects to federally endangered or threatened species not previously considered or which may have changed since 2006, as well as any changes based on a proposed route network different from that proposed and adopted in 2006. A summary of the discussions of travel management and the route networks in the previous BOs is included below. A revised BO will be developed through re-initiation of formal consultation with the U.S. Fish and Wildlife Service (USFWS) in relation to this SEIS.

January 9, 2006 BO

The BO developed to evaluate the effects of the proposed 2006 WEMO Plan considered the effects of each of the 12 separate CDCA Plan Amendment decisions made in the 2006 ROD. Effects were considered on four species (desert tortoise, Parish's daisy, Cushenbury milk-vetch, and Lane Mountain milk-vetch), and three types of critical habitat (desert tortoise, Parish's daisy, and Cushenbury milk-vetch). The USFWS considered the effects of each of the 12 CDCA Plan Amendment decisions proposed by BLM, including those that focused on travel management issues.

The manner in which the USFWS addressed the travel-related and grazing issues, decisions, and other strategies is summarized below.

- The USFWS evaluated the potential effects of the Rand Mountains-Fremont Valley Management Plan on the desert tortoise and its critical habitat. The BO concluded that the plan may benefit the tortoise, and may promote the conservation role and function of designated critical habitat. This conclusion was due to the reduction in the extent of the route network in this area.
- The USFWS evaluated the expansion of the boundaries of the Afton Canyon ACEC, and the adoption of the route network in the Afton Canyon Natural Area. The USFWS concluded that the effect of these actions on the desert tortoise would be beneficial.
- The USFWS evaluated the potential effects of the proposed route network on the desert tortoise and its critical habitat. The BO specified that the USFWS did not have any definitive information on the size of a route network that would have minimal effects on the tortoise, but concluded that the proposed network should have a net benefit to the tortoise by implementing route closures. The BO also evaluated the effect of the proposed network on the Lane Mountain milk-vetch, and concluded that the reduction in the route network would diminish effects of unauthorized motor vehicle use on the Lane Mountain

milk-vetch. The BO concluded that the route network would not affect the Cushenbury milk-vetch or Parish's daisy, and therefore the 2006 BO did not re-consider effects on these species.

- The USFWS evaluated the potential effects of the proposed stopping, parking, and camping restrictions on the desert tortoise and its critical habitat. The BO concluded that the stopping, parking, and camping measures would reduce impacts to tortoise and critical habitat in DWMA's, and would not increase impacts in areas outside of DWMA's, and therefore would not adversely affect tortoise or its critical habitat. The BO also evaluated the effect of the stopping, parking, and camping measures on the Lane Mountain milk-vetch, and concluded that the limitations on the distance of stopping, parking, and camping from the routes would reduce potential damage to the species from that currently existing. The BO discussed that the 2003 BO had concluded that the stopping, parking, and camping measures would not affect the Cushenbury milk-vetch or Parish's daisy, and therefore the 2006 BO did not re-consider effects on these species.
- The BO concluded that because the regional standards of public land health and guidelines for grazing management are designed to ensure the maintenance of high quality habitat or to improve the condition of habitat that is not functioning properly, their implementation is not likely to adversely affect the desert tortoise or its critical habitat.
- The USFWS evaluated the potential effects of the proposed grazing program and concluded that the grazing program proposed by the Bureau is not likely to appreciably affect the reproduction, numbers, or distribution of the desert tortoise or compromise the conservation role and function of critical habitat of the desert tortoise.
- The BO concluded that the closure of the Barstow to Vegas Race Course would benefit the desert tortoise and its critical habitat.
- The BO concluded that the elimination of the Stoddard Valley to Johnson Valley Race Corridor would benefit the desert tortoise and its critical habitat.

The 2006 BO concluded with an incidental take statement. That statement superseded the previous incidental take statements issued by USFWS for livestock grazing, for the 1993 Rand Mountains-Fremont Valley Management Plan and the 2003 West Mojave Desert Off-Road-Vehicle Designation Project route designations. For the desert tortoise, the BO concluded that the number of desert tortoises that would be killed or injured as a result of BLM's actions could not be quantified because of the large size of the action area, the patchy distribution of tortoises, and the unpredictability of when the activities could cause injury or mortality. However, the BO estimated that relatively few desert tortoises would be injured or killed by BLM's action. The statement also listed mandatory terms and conditions to be followed, and made recommendations for additional conservation measures.

November 30, 2007 BO

An amendment to the 2006 BO dated November 30, 2007, was comprised of a revised desert tortoise incidental take statement that replaced the incidental take statement of 2006. The 2007 amendment included a quantitative estimate of the numbers of tortoises that could be killed or injured as a result of BLM's 2006 WEMO Plan decisions, including take as a result of livestock

grazing, casual use and motorized vehicle use. The BO concluded that the estimated take was not likely to jeopardize the continued existence of the species. Other aspects of the January 9, 2006 BO were not changed.

June 8, 2007 BO

An amendment to the 2006 BO dated November 30, 2007, and Re-initiation of Formal Consultation Regarding the Proposed Grazing Lease Renewal for the Valley Well Allotment. This 2007 amendment included the Valley Well Allotment as part of the Incidental Take Statement and livestock grazing must adhere to the terms and conditions contained in the 2006 BO for the 2006 WMP.

May 6, 2011 Desert Tortoise Recovery Plan

This recovery plan superseded the original 1994 Desert Tortoise Recovery Plan. The plan contains 16 recovery actions that include restricting, designating, closing, and fencing roads and routes. In addition, restricting OHV events within tortoise habitat, and minimizing impacts to tortoises from livestock grazing.

1.6.2 Relationship to Adjacent and Overlapping Jurisdictions

The WEMO area and its surrounding areas are subject to a variety of federal, state, and local planning efforts that affect route networks. These include:

- Bordering jurisdictions which have approved route networks which have to be considered when making route designations in the WEMO area; and
- Other BLM programs and plans which may affect the need for route designations in specific parts of WEMO.

These other planning efforts and programs are discussed below.

1.6.2.1 Bordering Jurisdictions

Public lands within the WEMO Planning area and adjacent to the Planning area boundaries are bordered on all sides by other jurisdictions. These include federal land managed by the USDA Forest Service, National Park Service, Department of Defense (DoD); state lands managed by the California Department of Fish and Wildlife (CDFW) (formerly California Department of Fish and Game, or CDFG), State Lands Commission, California Department of Parks and Recreation, and California Department of Water Resources; City lands inside the municipal boundaries of which BLM may manage small isolated parcels, and private lands and roads subject to state, County, or municipal jurisdiction. Travel management on adjacent lands is managed through various management plans, general plans, and regulations, as follows:

- Land outside of the West Mojave Planning area but under the jurisdiction of the BLM is subject to the CDCA Plan or other applicable Land Use or Travel Management Plans, as discussed below;
- Adjacent National Forest Land is subject to applicable Forest, Land, and/or Travel Management Plans;

- Adjacent DoD land is subject to Installation Management Plans and, for the land area to be included within the expansion area for Twentynine Palms Marine Air Ground Combat Center, by the travel-related decisions in the February, 2013 Record of Decision;
- Adjacent State-, County- or City-owned land is subject to agency or jurisdiction-specific regulations and requirements for travel on those lands;
- Adjacent routes on private land that are designated as part of a County or city network are subject to the applicable General Plan for that County or city;
- Adjacent routes on private land that are not designated as part of a County or city network are not subject to any jurisdiction, but will be considered by BLM in the network development process.

Issues to be considered with respect to these adjacent route networks include maintaining continuity of access across jurisdictional boundaries; maintaining access (where appropriate) to private lands, approved facilities, and recreational opportunities located outside of the WEMO Planning Area; addressing access compatibility and consistency with local plans, and coordinating trespass issues on adjacent jurisdictions with responsible local law enforcement and County agencies.

Specific information related to travel management on adjacent planning areas is provided below:

Northern and Eastern Mojave (NEMO) CDCA Plan Amendment

The NEMO planning area lies to the northeast of the western Mojave Desert, in the area that generally lies between Death Valley National Park and the Mojave National Preserve and directly abuts the West Mojave Planning Area to the east. The NEMO Plan amendment to the CDCA Plan was implemented in a ROD that was signed in December 2002. With respect to travel management, the NEMO ROD designated all routes within the NEMO area as “open”, “limited”, or “closed”. The NEMO Plan also eliminated the portion of the Barstow to Las Vegas Race Course within the NEMO planning area.

Northern and Eastern Colorado (NECO) CDCA Plan Amendment

The NECO planning area lies to the southeast of the western Mojave Desert, in the area that generally lies south of I-40, and adjacent to the eastern half of Joshua Tree National Park. The NECO Plan amendment, like the NEMO Plan amendment, was signed by BLM in December 2002. With respect to travel management, the NECO ROD designated all routes within the NECO area as “open”, “limited”, or “closed”. Some wash areas were designated open or closed such that all wash routes in those areas would be available or not available for use. The NECO Plan also left in place the portion of the Johnson Valley-Parker route within the NECO area because it lay entirely outside of DWMA's and had minimal species sensitivity issues. However it has not been proposed and authorized for use for competitive events since the approval of the NECO Plan.

National Forest Plans

The National Forests which border the WEMO area include the San Bernardino National Forest, Angeles National Forest, Inyo National Forest, and Sequoia National Forest. Both the San

Bernardino National Forest Management Plan and Angeles National Forest Land Management Plan RODs were signed in April, 2006. These plans included a variety of program strategies, some of which focused on travel management. National forest lands generally provide specific designated access routes to and through each forest onto adjacent public and private lands, consistent with forest land designations and overall recreation management goals.

The San Bernardino National Forest (SBNF) identified lands along the boundary of the National Forest and public lands as a major focal point for travel management, and BLM is working with the local and regional SBNF office to identify appropriate public access strategies and achieve shared goals along shared boundaries and watersheds. These strategies are being incorporated into the WMRNP to the extent feasible. The Inyo National Forest Land and Resource Management Plan was signed in 1988, and is currently being revised. The 1988 Plan provided definition of management requirements for OHV use in certain areas of the Forest. The Inyo National Forest also prepared a Travel Management Plan in August 2009 which made changes to routes included within the National Forest Transportation System (NFTS), and that include some routes adjacent to the WEMO route network.

The Sequoia National Forest Land and Resource Management Plan was signed in 1988, and is also currently being revised. The Forest released a Final EIS for their Motorized Travel Management Plan in 2009.

National Park/Preserve Plans

The National Parks and National Preserves which border the WEMO area include Sequoia, Joshua Tree, and Death Valley National Parks and the Mojave National Preserve. The Sequoia National Park General Management Plan was finalized on September 14, 2007. The Death Valley National Park General Management Plan and Mojave National Preserve General Management Plan were both authorized in April, 2002. The Joshua Tree General Management Plan is currently being developed. These federal lands generally provide specific designated access routes to and through the Park onto adjacent public and private lands, consistent with Park goals.

Department of Defense Plans

The DoD installations that border the WEMO Planning area include Fort Irwin, Twentynine Palms Marine Air Ground Combat Center (MCACC), Edwards Air Force Base, and Naval Air Weapons Station China Lake. Each of these installations operates under an Installation Management Plan which address motorized vehicle access and management. BLM coordinates closely with the installations to ensure maintenance of access, as well as to address use of BLM routes for unauthorized access to the installations.

The February, 2013 Expansion of Twentynine Palms MCACC includes development of a mechanism to allow limited motorized vehicle access on portions of the Expansion Area in a manner similar to access in BLM OHV Open Areas, when the land is not being used for military exercises. Legislation titled the Military Lands Withdrawals Act of 2013 was passed as an element of PL 113-66, which expanded the 29 Palms Marine Corps Air-Ground Combat Center (MCAGCC) adjacent to the Johnson Valley OHV Open Area. Congress modified alternative 6 enabling the USMC to withdraw lands to the south and west of the current 29 Palms MCAGCC within an Exclusive Military Use Area (EMUA), and to also conduct Marine Expeditional

Brigade (MEB) level live-fire training while increasing the amount of land available for recreational use in a Shared Use Area (SUA). The MCAGCC Expansion includes approximately 79,000 acres to the west, and approximately 19,000 acres to the south, of the 29 Palms MCGACC that were withdrawn for the EMUA, and to be managed by the Secretary of the Navy.

In the legislation, approximately 53,000 acres is designated as a SUA to be managed by the Secretary of the Interior for public recreation during any period in which the land is not being used for military training and as determined suitable for public use, as well as natural resource conservation. For two 30-day periods per year, the SUA will be used and managed by the Secretary of the Navy for military training. The SUA together with approximately 43,000 acres to the west of the authorized MCAGCC withdrawal boundary has been designated as the *Johnson Valley Off-Highway Vehicle Recreation Area* in PL 113-66, totaling approximately 96,000 acres.

Red Rock Canyon State Park

The California Desert Protection Act (1994) conveyed lands from BLM to the State to add to Red Rock Canyon State Park. The State did not accept some of these lands because they were encumbered with mining claims pursuant to the Mining Law of 1872. The California Department of Parks and Recreation and the BLM jointly manage these lands. BLM published a 20-year Segregation Order for Public Lands within Red Rock Canyon State Park that is in effect until May, 2017 ([Public Land Order No. 7260](#) Federal Register notice 62FR26324, May 13, 1997). This order withdraws all BLM-managed lands in Red Rock Canyon State Park from operation of all public land laws and mineral laws subject to valid existing rights to protect the Park. Routes in and out of the Park cross BLM-managed public lands within the El Paso TMA and the Jawbone TMA.

Other State Lands

State Lands are intermingled with BLM public and private lands throughout the planning area and are managed by various State agencies. Generally travel management strategies on State lands are handled on a case by case basis. Most State Lands are managed by the California State Lands Commission (CSLC). The California Department of Fish and Wildlife (CDFW) also has land holdings or easements in the planning area. Other State agencies have very modest land holdings. CSLC generally does not identify travel routes on State lands, except where those lands have been identified or zoned for specific uses or for conservation purposes. The California Department of Fish and Wildlife has acquired mitigation lands for conservation of sensitive resources, and has otherwise obtained conservation easements on lands managed by third parties. When identified, travel management strategies on these conservation, mitigation, or easement lands respond to particular access needs or easement terms identified for the land consistent with state policies and interagency agreements.

County Route Networks

The WEMO Planning area covers parts of San Bernardino, Kern, Inyo, Los Angeles, and Riverside Counties. Each of these counties has a General Plan which includes a Transportation Element and maps of dedicated County Roads, some of which cross BLM-managed lands as well as County ordinances on private lands that directly or indirectly affect OHV use of the network.

Although the General Plans are not applicable to activities on Federal lands, BLM coordinates with the Counties to achieve consistency between federal and local plans, address unresolved issues and identify opportunities, maintain continuity of access across jurisdictional boundaries, and generally utilize the County Road system as a backbone for motorized access to OHV routes on public lands, consistent with Bureau policy.

Local Route Networks

The WEMO Planning area covers many municipalities. Generally, few BLM-managed lands are within these municipal boundaries and the lands within most municipalities are unclassified to facilitate management with surrounding lands. Municipalities generally have a General Plan which includes a maintained and unmaintained road network that links to surrounding County or BLM lands. Although the General Plans are not applicable to activities on Federal lands, BLM coordinates with the cities to assure appropriate through access on municipal routes and to address community needs and unresolved issues, consistent with Bureau policy. BLM also seeks to link its network to municipality networks to support their recreational goals and enhance their community recreational and economic opportunities, consistent with their plans and policies.

1.7 Coordination and Consultation

Federal Endangered Species Act (FESA)

The USFWS has jurisdiction to protect threatened and endangered species under the Federal Endangered Species Act (ESA) [16 U.S.C Section 1531 et. seq.]. Formal consultation with the USFWS under Section 7 of the ESA is required for any federal action that may adversely affect a federally-listed species. The consultation associated with the 2006 WEMO Plan amendment to the CDCA Plan was completed. The USFWS previously issued three BOs in association with BLM's route network designations in the WEMO Planning area. The first BO was issued in 2003 in association with BLM 2003 Decision Record establishing the route network in the WEMO area. The second BO was issued in 2006, in association with the 2006 WEMO Plan amendment itself, and addressed travel and route network issues along with all other decisions considered in the 2006 WEMO Plan. The third BO, issued in 2007, revised the 2006 BO by quantifying potential tortoise impacts, and modifying terms and conditions with respect to transportation and other issues. BLM will evaluate whether re-initiation of consultation on the 2007 BO based on changes proposed in this SEIS is required, and, if so, such consultation shall be completed prior to the signing of any Record of Decision associated with the proposed changes.

National Historic Preservation Act (NHPA)

The National Historic Preservation Act (NHPA) (16 USC 470) requires Federal agencies with jurisdiction over a proposed Federal project to take into account the effect of the undertaking on cultural resources listed or eligible for listing on the National Register of Historic Places, and requires that the agencies afford the State Historic Preservation Office (SHPO), any affected Indian tribe, and the Advisory Council on Historic Preservation (ACHP) with an opportunity to comment on the undertaking. In addition to conducting Section 106 consultation in the development of the WEMO specific Programmatic Agreement, the BLM is utilizing and

coordinating the NEPA commenting process to partially satisfy the public involvement requirements for Section 106 of the NHPA, as provided for in 36 CFR 800.2(d)(3).

BLM initiated the Section 106 consultation process with a letter to the California Office of Historic Preservation on February 16, 2012. In a 2012 agreement, BLM and the SHPO cooperatively developed initial data acquisition and analysis needs in support of the current planning effort. The ACHP was invited to participate in consultation by letter dated June 2, 2014 and has elected to participate by letter response dated June 24, 2014.

In coordination with the California SHPO and the ACHP, the BLM is complying with Section 106 through the negotiation of a WEMO specific Programmatic Agreement. The development of a Programmatic Agreement following the regulations at 36 C.F.R. §800.14 (b) is consistent with BLM guidance (IM-2012-067) for cultural resource considerations in off-highway vehicle designations and travel management efforts.

To date, BLM has completed a Phase I records-review for the Supplemental EIS, updated GIS cultural resources location layers, and conducted field monitoring of specific sites as outlined in the 2012 agreement with SHPO. A GIS-based sensitivity analysis and predictive modelling program is under development, which in part, includes a field verification phase. The results of the model will assist BLM prioritize and direct Phase II inventory needs identified through the development of the Programmatic Agreement. This model will assist the BLM in designing inventory strategies where cultural resources are most likely to occur; in the application of appropriate avoidance, minimization, or mitigation measures and adjustments to the travel network where adverse effects to eligible cultural properties are occurring; and in following the stipulations established in the PA.

Initial discussion and meetings have been held with SHPO to discuss the contents of the WEMO PA. Additional steps in the development of the agreement will be determined in consultation with SHPO, ACHP, and other consulting parties in upcoming discussions. To comply with Section 106, the WEMO Programmatic Agreement must be executed by the BLM, SHPO, ACHP and other invited signatories prior to the Record of Decision.

The travel management decisions ordered for completion in 2015 will include the designation of off-highway routes in the West Mojave Desert and portions of the Great Basin Transition Zone. Pursuant to 36 C.F.R. §800.14(b)(1)(i) and (ii), the effects on historic properties are likely to be similar and repetitive, cross multiple regions, and cannot be fully determined prior to the approval of the undertaking. As allowed under 36 CFR §800.4 (b)(2), the agreement is expected to include procedures for phasing the inventory and implementation plan for the identification of historic properties after the Record of Decision is signed. The Programmatic Agreement will also specify programmatic procedures for how the BLM intends to address effects to eligible historic properties, including effects from routes that are open and would remain open, routes that would be newly opened or closed, and routes that are unauthorized.

The BLM California currently utilizes *Supplemental Procedures for Livestock Grazing Permit/Lease Renewals: A Cultural Resources Amendment to the State Protocol Agreement between California Bureau of Land Management and the California State Historic Preservation Officer* (Supplement) to address the NHPA Section 106 compliance for processing grazing permit renewals for existing livestock allotments. The Supplement calls for BLM to address impacts of grazing on cultural resources through a Class II sampling and reconnaissance survey strategy. Inventory is focused on areas of high cultural resource sensitivity that overlap areas of

livestock congregation, including springs, water courses, meadows, and range improvement areas such as troughs and salting areas. Class I records searches and tribal and interested party consultation is to occur with each grazing permit renewal. Standard protective measures have been developed to address impacts to resources from livestock activities and an annual monitoring protocol is incorporated into the agreement.

The Supplement applies to the continued use of a grazing allotment at or below the authorized levels. Under the Supplement, range undertakings, including improvements and increases in AUMs allowed within the allotment will be reviewed on a case-by-case basis by BLM Cultural Resources Specialists.

Tribal Consultation

Tribal consultation is being conducted in accordance with policy, and tribal concerns, if any, are being given due consideration in evaluation of Plan amendment alternatives and development of the Programmatic Agreement. Consultation was initiated in 2011 with Federally- and non-Federally recognized tribal groups. Five tribal outreach open house meetings were held in early 2014 to hear additional input from the tribes, in advance of the SHPO meeting to initiate development of the Programmatic Agreement. Consultation is ongoing and will continue throughout the development and implementation of the West Mojave Route Network Project and associated Programmatic Agreement.

1.8 Organization of the Draft Plan and SEIS

The WMRNP and SEIS is organized as follows:

- Chapter One - ***Introduction*** provides an overview of the West Mojave Route Network Project, proposed plan amendment decisions and other proposals, and the scope of the SEIS; applicable regulations and policies; a brief history of WEMO planning and travel management planning, project purpose and need, the reasons for proposing the plan amendment, project scoping and issues, planning criteria; coordination and consultation considerations, and a table of the Court Issues that must be addressed.
- Chapter Two - ***Alternatives*** describes the four alternatives, including No Action, that are analyzed in detail for the WMRNP and SEIS, including alternatives related to CDCA Plan amendment under consideration, planning criteria, adoption of the WEMO travel management areas, and network goals being considered for amendment of the CDCA Plan. In addition, the frameworks for implementation of the four alternative route networks are evaluated. The process and parameters utilized to develop and minimize impacts from the alternatives are explained. A tabular comparison of the alternatives is provided. This chapter also describes other suggested alternatives that were discussed during the planning process but ultimately eliminated from detailed consideration in the EIS.
- Chapter Three - ***Affected Environment*** describes the current management situation summarizes key information from the 2006 WEMO Plan, and calls out those aspects of the natural and human environment that are likely to be affected by the adoption of the alternatives described in Chapter 2. Affected aspects of the environment include the region's natural, recreational, and cultural resources, social and economic considerations

in the western Mojave Desert, energy production and transmission, other commercial uses, including livestock grazing, and motorized vehicle access to public lands.

- Chapter Four - *Environmental Consequences* presents an analysis of the effects that adoption of each of the alternatives could have on the natural and human environment, updating and enhancing the analysis from the 2005 WEMO Final EIS, including cumulative effects.
- Chapter Five – *Statutory Sections* addresses the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity, irreversible and irretrievable commitments of resources, growth inducing effects, energy consumption and conservation, and environmental justice considerations.
- Chapter Six – *Consultation and Coordination* provides a summary of BLM’s consultation and coordination activities, as well as the List of Preparers of the SEIS.
- Chapter Seven – *Acronyms and Glossary* provides the abbreviations and definitions of terms used in this document.
- Chapter Eight – *References* provides the reference materials used in the development of the SEIS.
- Appendix A presents a summary of comments received during the scoping process.
- Appendix B provides a description of the subregions, which served as the basis for analysis.
- Appendix C presents a summary of the vegetation and wildlife considered for evaluation in the SEIS.
- Appendix D provides an air quality analysis developed by the Mojave Desert Air Quality Management District in support of the WMRNP.
- Appendix E provides a summary of the history of the route designation process in the WEMO Planning area.
- Appendix F provides consultation and coordination letters related to BLM’s interagency consultation efforts for the WMRNP.
- Appendix G provides an Implementation Plan for the WMRNP Travel Management Plans.

1.9 Court Issues Addressed in the SEIS

The SEIS has been developed specifically to ensure that issues identified by the Court in the 2009 Summary Judgment are addressed. The issues raised and the manner in which those issues have been addressed in the WMRNP, are summarized in Table 1.9-1.

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Sufficiency of Description of No Action Alternative</i></p> <p>Summary Judgment Order, Pg. 43, line 28 through Pg. 44, line 5.</p>	<p>The WEMO 2006 EIS did not sufficiently explain that the routes contained in the No Action Alternative included post-1980 routes, was larger than both the 1980 and 1985-1987/ACEC networks, and was smaller than the 2001-2002 inventoried network.</p>	<p>Chapter 3.1 of the SEIS discusses the evolution of the route designations in the area since 1980, and how that process has resulted in the routes in the current network which are the basis of the open route network in the No Action Alternative, and the basis for the comparison of impacts between alternatives. This description specifies that the No Action Alternative includes post-1980 routes, and describes how the No Action has changed over time based on the lack of clarity in the “existing routes” language and the incorporation of many partial inventories. Chapter 3.1 also discusses the relationship of the No Action Alternative to the larger universe of routes that constitutes the inventory (baseline). All routes within the inventory will be designated in the WMRNP, to determine whether they will or will not be available for use.</p>
<p><i>Sufficiency of Description of No Action Alternative</i></p> <p>Summary Judgment Order, Pg. 44, line 11 through Pg. 45, line 1.</p>	<p>The discussions of the No Action network throughout the WEMO 2006 EIS were not consistent. Instead of alternatives being compared only to the No Action Alternative, they were also compared to the 1985-1987 network, the 2001-2002 inventory, and the 2003 WEMO EA network. The Court stated that a single No Action network needs to be defined, described, and then used as the basis for comparison for all impacts.</p>	<p>The route network in the No Action Alternative was used consistently in the route analysis and discussion of impacts in Chapter 4 of the SEIS. A single configuration of network designations was entered into the GIS database for each alternative, including the No Action Alternative. The GIS analysis then compared this single configuration to each of the sensitive resources included in the analysis, and generated metrics showing the coincidence and proximity of the routes to the resources. These metrics are presented in tables in Chapter 4, and the text in Chapter 4 summarizes the results. There is no discussion presented regarding relative impacts of the 1980, 1985-87/ACEC, 2001-2002, or 2006 networks, as these are not relevant to the comparison of the current network to the potential alternative networks, and the potential impacts of the alternative networks.</p>
<p><i>Inclusion of Post-1980 Routes in Alternatives</i></p> <p>Summary Judgment Order, Pg. 36, lines 13-18, and Pg. 43, lines 10-14.</p>	<p>The Court states that BLM can designate additional routes that did not exist in 1980 (Summary Judgment Order, Pg. 36, lines 13-16). However, to do so, BLM must actually amend the language that restricts the network to pre-1980 routes. That amendment would need to be done in accordance with NEPA and FLPMA, and would have to explain why inclusion of post-1980 routes is justified.</p>	<p>Chapter 1.2 describes BLM’s determination that the language restricting motorized routes to those existing in 1980 does not conform to BLM regulations in 43 CFR 8342.1, BLM Handbook 1610-1 (Appendix C), or BLM Handbook 8342. Therefore, this SEIS proposes to revise that language to conform to current regulations and policy. This SEIS acts as the mechanism for complying with NEPA and FLPMA in evaluating the impacts associated with this change in the language. Chapter 2.6 explains why developing alternatives that do not conform the CDCA Plan language to current regulations and guidance is not considered for analysis.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Criteria Used for Route Designations</i></p> <p>Summary Judgment Order, Pg. 24, line 20 through Pg. 25, line 11.</p>	<p>The Court provides an extensive analysis of the Decision Tree used in the WEMO 2006 EIS to demonstrate that it did not consider these factors (Summary Judgment Order, Pg. 18-30). According to this analysis, the only resource impacts considered in the Decision Tree include impacts to sensitive species. The Court's analysis of the Decision Tree concludes that it does not address impacts to other resources, and even with respect to sensitive species, the analytical methodology heavily favors maintaining existing routes unless it can be shown that those routes are redundant. Also, the Court studied the route-specific designation forms to see if the other criteria were ever applied in making a route designation, and determined they were not.</p>	<p>The process used by BLM to evaluate impacts associated with the various route network alternatives is discussed in Section 2.3 of the SEIS. This process included identifying resources data and its currency, and verifying its usefulness, consolidating all locations of 32 potentially affected resources for which such geographic data existed into the GIS database, and then comparing these locations to the route location. Section 2.3 of the SEIS provides tables listing these resources, and discusses how the 43 CFR 8342.1 criteria were used in order to establish a designation for each route within each alternative. This analytical output was augmented to factor in other, potentially affected resources and factors, including site-specific knowledge and other non-GIS database sources.</p>
<p><i>Reasonable Range of Alternatives</i></p> <p>(Same Mileage of Routes in Each 2006 WEMO Alternative)</p> <p>Summary Judgment Order, Pg. 40, line 11 through pg. 42, line 4.</p>	<p>As discussed in the Court's Summary Judgment Order (Pg. 39), the alternatives considered in the WEMO 2006 EIS only varied in terms of type of designation (open or limited), and in terms of management prescriptions. The route network itself, on which OHV use was allowable, comprised the same 5,098 mile network in all seven alternatives analyzed.</p>	<p>Table 2.4-1 of the SEIS shows the extent of the route network designated under each of the alternatives analyzed in the SEIS. The different networks were developed by choosing a set of objectives; establishing minimization triggers to indicate a potential effect with respect to the 43CFR8342.1 based on proximity between route and resource or related factor for each of the 32 resources; additional recreation and use data relevant to objectives, and then running a GIS analysis which generated the route designations for each alternative. The output was then augmented to factor in other resources not available in GIS and route knowledge, public input, and network needs. As can be seen in Table 2.4-1, the Alternative objectives, sensitivity analysis for minimization, and particular strategies selected to minimize effects resulted in a wide range of network sizes.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Soils</i></p> <p>Summary Judgment Order, Pg. 48, lines 16-18.</p>	<p>The Court acknowledged that the WEMO 2006 EIS contained a detailed discussion of the general impacts of OHV use on soils. However, the Court held that the EIS did not provide any discussion of the particular impact the proposed OHV route network would have on the soils that exist in the area (Summary Judgment Order, Pg. 48). The Court specified that the WEMO 2006 EIS does not need to have a route-by-route discussion of soil impacts, but should contain some specificity with regard to the resources present and the proposed route network.</p>	<p>The previous discussion of the general impacts of OHV use and grazing on soil was reviewed, and is updated in Chapter 4.3 of this SEIS. The GIS analysis evaluated each of the alternative route networks, and made proposed route designations based on the potential for soil erosion along each route by analyzing the degree of slope crossed by the route, as well as by considering areas with documented soil erosion issues.</p>
<p><i>Grazing</i></p> <p>Summary Judgment Order, Pg. 48, lines 17-18. Pg. 42, footnote 33.</p>	<p>Although the Court's Summary Judgment Order is substantially focused OHV use, the suit filed by the Plaintiffs also alleged deficiencies in the analysis of grazing. The issue of grazing was addressed in limited portions of the Summary Judgment Order, and was held to be deficient in a few areas, including soils. The Summary Judgment Order (Pg. 48, lines 17-18) stated that the "... WEMO 2006 EIS should contain some discussion of the particular impacts on soils of the proposed Plan, both with regard to the designated OHV network, and livestock grazing". Finally, the Summary Judgment Order refers to the plaintiff's claim that BLM should evaluate a wider range of grazing alternatives (Pg. 42, footnote 33) and concludes with "On remand, the BLM will consider a host of factors, including grazing issues, in its alternatives analysis."</p>	<p>Table 2.4-3 of the SEIS shows the extent of the grazing program that would be authorized under each of the alternatives analyzed in the SEIS. Alternatives are considered that address further limitation of the grazing program in the WEMO Planning area through the elimination of grazing on additional allotments for watershed and wildlife conservation. Impacts of grazing on resources, including soils, riparian, and other water-related areas including UPA, were evaluated and addressed through allotment-specific Environmental Assessments (EAs) conducted since 2006. The analyses from these EAs have been revisited and the updated/incorporated into this document and augmented based on the results of the analysis of SEIS alternatives. Some of the allotments are now vacant or have been relinquished since 2006, making additional analysis of the possible impacts by livestock in those allotments moot at this time. The current status of the grazing allotments, and the conclusions from their EAs, are discussed in Section 3.7. The acres that would be reallocated from grazing purposes to wildlife conservation and ecosystem enhancement are discussed in Section 4.4 Tables, by alternative.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Cultural and Historical Resources</i></p> <p>Summary Judgment Order, Pg. 50, lines 10-24.</p>	<p>With respect to cultural resources, the WEMO 2006 EIS acknowledged that OHV use may have significant effects on such resources, but also stated that there was inadequate baseline data to determine the actual effect. The WEMO 2006 EIS also stated that the significance of the effect would be evaluated when specific actions were proposed, and that those activities would not be approved until compliance with Section 106 of the NHPA and consultation with the SHPO and Tribes had been completed. The Court agreed with the Plaintiffs' argument that this analysis is insufficient. The Court reviewed the Decision Tree and the Administrative Record, and found no indication that cultural resource impacts were considered in the route designation process. The specific WEMO 2006 EIS language cited by the Court was "the effect of BLM routes of travel on public land cultural resources has not been fully determined because information needed to assess effect is incomplete at the present time". There was no evidence that a good faith effort was made to collect the needed information.</p>	<p>One of the 32 potentially affected resource factors included in the GIS analysis for the WMRNP was cultural resources, with a trigger mechanism based on each route and the associated stopping/parking/camping parameters, by alternative. Upon initiation of this SEIS, BLM also initiated consultation with the State Historic Preservation Officer (SHPO) regarding measures needed to address the Court's and SHPO's concerns related to the cultural resource issues in the WEMO 2006 EIS. As a result of this consultation, BLM and the SHPO agreed to a program that includes the following:</p> <ul style="list-style-type: none"> • Update of the records searches for each travel route; • Consultation with tribes and interested parties; • Update of the BLM GIS cultural resources database; • Completion of the predictive model for each of the WEMO Subregions; • Class III surveys for specific undertakings that meet the requirements specified in the Programmatic Agreement; • Site visits at NRHP listed and one or more additional unevaluated sites in each sub-region, as well as sites identified by tribes and interested parties as being sensitive; • Development of a methodology for effects determinations; • Development of protection, monitoring, and reporting procedures; and • Development of a Programmatic Agreement pursuant to 36 C.F.R. §800.14 (b) <p>These measures are discussed in Section 3.9 of this SEIS.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Unusual Plants Assemblages (UPAs) and Riparian and Water Resources</i></p> <p>Summary Judgment Order, Pg. 51, lines 15-19. Remedy Order Pg. 15</p>	<p>The Court's conclusion regarding water-based UPA and riparian and water resources referred back to the Plaintiffs' discussion of soil resources. Similar to soils, the WEMO 2006 EIS generally discussed the impact of OHV use and grazing on these UPA/riparian resources. However, the WEMO 2006 EIS did not discuss any impacts of the specific route network on any specific UPA/riparian resources. Similar to soils, the Court does not require a route-by-route discussion, but does require a discussion that is specific to the area and alternatives. The Remedy Order also required BLM to implement additional information gathering and monitoring regarding riparian areas and UPAs, including new proper functioning condition (PFC) assessments for all of the springs and seeps in the WEMO area.</p>	<p>The specific locations of designated water-related UPA, known riparian areas, and surface water resources were incorporated into the GIS database used to analyze the route network alternatives. These locations were incorporated into 3 of the 32 location-specific natural and cultural resources for which geographic data were compared to the route networks, and for which mitigation and designation triggers were developed. A general discussion of impacts to these resources from motorized vehicle use and grazing is provided in Chapter 4. The results of the GIS analysis are also presented in Chapter 4, including a summary of the length of routes in close proximity to known UPA, riparian, and water resources for each alternative. Finally, updated information on the current condition of each riparian area has been evaluated through Proper Functioning Condition (PFC) assessments conducted since the 2006 WEMO Plan. The results of those assessments are provided in Chapter 3. These assessments continue and as new data is collected, the results will be integrated into the baseline and analysis, including for grazing. The findings that result from these PFC assessments that identify impacts from grazing will trigger management actions that would mitigate those identified impacts.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Sensitive Species – Mojave Fringe-Toed Lizard</i></p> <p>Summary Judgment Order, Pg. 51, lines 13-20.</p>	<p>The Court’s rejection of the Mojave fringe-toed lizard analysis was based on a comparison of two statements in the WEMO 2006 EIS. In the Species Account for the lizard, the text stated that there is no recent data on population status and density. However, the effects analysis stated that the primary routes would cover about one-fourth of the occupied habitat, and still concluded that the routes would not impact the species. The Court held that, after acknowledging that there was limited data and that the routes covered one-fourth of the habitat, the conclusion that there were no impacts was not supported by any factual basis. In addition to the findings of the Summary Judgment Order, the Remedy Order (Pg. 14-15) required BLM to implement additional information gathering and monitoring regarding the status of the Mojave fringe-toed lizard and its habitat.</p>	<p>Mojave Fringed-toed lizard (MFTL) monitoring began in the West Mojave in the spring of 2012 in three Mojave River parcels. In 2013 monitoring was expanded to the remaining MFTL ACEC parcels including three other Mojave River parcels and a representative location in 29 Palms MCAGCC. The results of the surveys are discussed in Section 3.4, and the results have been incorporated into the analysis of the route network.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Air Quality</i></p> <p>Summary Judgment Order, Pg. 53, line 24 through Pg. 54, line 1. Remedy Order Pg. 9, lines 19-22. Remedy Order Pg. 14.</p>	<p>The Court evaluated several objections raised by the Plaintiffs with respect to the sufficiency of the air quality analysis. Of these, the Court held that BLM only analyzed the impact of air emissions on open routes, but did not analyze the impacts of OHV emissions that would occur within open areas. Further discussion of air quality was provided in the Court's Remedy Order dated January 28, 2011.</p> <p>The WEMO 2006 EIS concluded that, because the projected population growth in the planning area is lower than the projections used in the regional transportation plans and conformity statements, precursor emission levels would be lower than the budget established in the regional plans, and the WEMO 2006 EIS conforms to the SIP. Because all emission levels were below de minimus levels, BLM concluded that no further conformity analysis was necessary and a formal conformity determination was not required. On Pg. 9, lines 19-22 of the Remedy Order, the Court vacated the finding of consistency with the Clean Air Act, because it did not include an analysis of emissions from Open Areas. In addition, the Order (Pg. 14) required BLM to implement additional information gathering and monitoring regarding air quality in and around the Open Areas.</p>	<p>BLM coordinated with the California Desert Air Working Group (CDAWG), which included the five air districts within the WEMO Planning area, to supplement its air quality analysis and develop a strategy to comply with the Remedy Order. To demonstrate compliance with the Remedy Order, BLM contracted with the MDAQMD to compile the results from the 46 ambient air monitoring stations in a report to BLM (included in Appendix D). The report concluded that OHV Open Areas are not a significant contributor to either total unpaved road dust or fugitive windblown dust subcategories, and are thus not a significant contributor to regional PM10 emissions. A detailed evaluation of the MDAQMD report is presented in Section 3.2 of this EIS. The WEMO Plan Conformity Analysis was re-visited for this SEIS, based on the additional information provided in the MDAQMD report, and the results are presented in Section 4.2 of this SEIS.</p>

Table 1.9-1. Court Issues Addressed in the SEIS

Court-Identified Issue	Description	Action Taken in Current SEIS
<p><i>Cumulative Analysis</i></p> <p>Summary Judgment Order, Pg. 54, lines 11-16.</p>	<p>The Court's Summary Judgment Order did not conduct a specific analysis of the cumulative impact analysis in the WEMO 2006 EIS. The Court concluded that, because the specific impact analysis (especially with respect to soils, cultural resources, and water and riparian resources) was deficient, the cumulative analysis was also deficient. Since these analyses are to be re-done, the Court chose not to address the Plaintiffs specific arguments.</p>	<p>The specific analysis deficiencies cited in the Court's Summary Judgment Order have been addressed in this SEIS as discussed throughout this table. The cumulative analysis has also been modified from that done in the 2005 WEMO Final EIS by updating the lists of other past, present, and reasonably foreseeable future projects and activities in the area, and incorporating additional recent information on known impacts from those projects and activities.</p>